

REMARKS

Claims 35 to 46 were previously pending. New claims 47 to 55 were added. Support for the new claims can be found in the specification as originally filed, *e.g.*, at page 56, lines 8 to 14; at page 26, lines 17 to 35; and section 6.2.8 beginning at page 70. Support for new claims 51 and 52 can be found, in the specification, *e.g.*, at page 26, lines 17 to 35. Support for new claims 49 and 53 can be found in the specification, *e.g.*, at page 11, lines 30-33, page 26, lines 29-35, page 31, line 29 to page 23, line 18, and page 43, lines 4 to 16. Support for new claim 54 can be found in the specification, *e.g.*, at page 32, lines 5-8. Support for new claims 55 can be found in the specification, *e.g.*, at page 12, lines 3-7. Thus, no new matter has been introduced. After entry of the present amendment, claims 35 to 55 will be pending in the application.

THE RESTRICTION REQUIREMENT

In the Restriction Requirement of January 16, 2004, the Examiner has required election of one of the following groups of claims:

Group I: Claims 35-40, drawn to a recombinant DNA molecules, classified in class 435, subclass 320.1; and

Group II: Claims 41-46, drawn to a method of preparing an RNA molecule, classified in class 435, subclass 320.1.

In response, Applicants hereby elect to prosecute the claims of Group I (claims 35-40), drawn to recombinant DNA molecules, classified in class 435, subclass 320.1. Applicants reserve their right to prosecute the claims of Group II (claims 41-46) in one or more related continuation, continuation-in-part or divisional applications. New claims 53 to 55 depend from elected claim 36 and fall in Group I; these claims should therefore be examined together with claims 35 to 40.

Applicants further respectfully request that the claims of Group I be examined together with the new claims 47 to 52 drawn to methods of constructing the recombinant DNA molecule. Alternatively, if the new claims are not examined together with the claims of Group I, Applicants respectfully request rejoinder of the claims drawn to recombinant DNA molecules with the claims directed to methods for constructing the recombinant DNA molecules under the provisions of MPEP § 821.04 upon allowance of the elected claims of Group I.

CONCLUSION

Applicants respectfully request that the above amendments be entered and made of record in the present application file.

Please charge any fee required with this response to Jones Day Deposit Account No. 503013.

Respectfully submitted,

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